First Appeal No. 71 of 2006:

Hon'ble M.M. Ghildiyal, J.
Hon'ble Dharam Veer, J.

Heard Sri Rajendra Dobhal, learned counsel for the appellant-husband and Sri Sanjna Madan, learned counsel for the respondent-wife.

An application was filed by the appellant for cancellation of the exparte judgment and decree dated 23.07.2005 passed by Principal Judge, Family Court, Dehradun in O.S. No. 150/2003 Smt. Vinita Balodi Vs. Vipin Balodi. In the said Original Suit a decree was passed in favour of the respondent-Vinita Balodi. Against the rejection order dated 26.08.06 passed on the application filed by the appellant under Order-IX, Rule 13 C.P.C., the present appeal has been preferred by the appellant.

The parties were persuaded by this Court for reconciliation and were directed to appear before the Add. Registrar. The parties have now entered in to a compromise to the extent that the appellant will pay a sum of Rs. 3,00,000/- (Rs. Three lacs) and the articles mentioned in the first information report (excluding golden ornaments) to the respondent as one time settlement within a period of six weeks from the date of compromise and the respondent will withdraw all the cases filed by her against the appellant (including maintenance) pending before the Courts below. Both the parties have further settled that after making compliance of clause 1 & 2 of the compromise they will by free to lead their lives separately as they desire and after making compliance of the compromise, the respondent will not claim any right in the property and assets of the appellant. The parties have also reached to a compromise that in case, if any article mentioned in the first information report (excluding golden ornaments) is found missing then the appellant shall pay the cost of such article.

Both the parties have been identified by their counsel and the compromise has been verified before the Addl. Registrar.

Accordingly, the appeal is disposed of on the terms and conditions of the compromise. The compromise and the first information report shall be form part of this order.

(D. V., J.) **(M.M.G., J.)**

18.10.2006:
NCM: